



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
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NEW YORK, NY 10007

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**BY ECF**

Honorable Vernon S. Broderick  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

November 29, 2019

APPLICATION DENIED,  
SO ORDERED *Vernon S. Broderick*  
VERNON S. BRODERICK  
U.S.D.J. 12/2/2019

The parties are directed to file a status update once  
Plaintiff's anticipated petition for a rehearing is  
resolved.

Re: Diarra v. City of New York  
16 CV 7075 (VSB) (OTW)

Your Honor:

I am a Senior Counsel in the office of James E. Johnson, Corporation Counsel of the City of New York, representing Defendant City of New York in the above-captioned matter. Pursuant to Court's Order dated September 19, 2019, (ECF No. 247) defendant writes to provide the Court with a status report.

As Your Honor is aware, defendant's motion for costs was stayed pending the resolution plaintiff's application to the United States Supreme Court. *See* ECF No. 247. However, upon information and belief, plaintiff's petition for *Writ of Certiorari* was denied by the United States Supreme Court on November 25, 2019. As such, defendant City requests that the stay be lifted so that the Court may render a decision on the pending motion for costs. As of September 7, 2019, the motion for costs was fully briefed and is ready for decision. *See* ECF Nos. 243-245.

Defendant conferred with plaintiff's counsel Kissinger Sibanda, Esq., in an effort to submit a joint letter to the Court. However, plaintiff's counsel indicated that he could not join in this letter because "plaintiff intends to petition for a rehearing."

Thank you for your consideration herein.

Respectfully submitted,

*Valerie E. Smith*

Valerie E. Smith  
*Senior Counsel*

cc: **VIA ECF**  
Kissinger Sibanda, Esq.  
*Attorney for Plaintiff*